

PATENT
7284/52829-RIN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : David G. Bird
Serial No. : 08/862,039
Filed : May 22, 1997
For : LOCATION OF MISSING VEHICLES
Group A.U. : 3662
Examiner : T. Blum

For Reissue of Original Patent
No. 5,418,537 issued May 23, 1995

Appeal No.: 2002-0393

I hereby certify that this paper is being facsimile transmitted to the
United States Patent and Trademark Office on the date indicated
above.

William E. Pelton 11/5/02
William E. Pelton
Reg. No. 25,702
Date
November 5, 2002

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APPELLANT'S WAIVER OF HEARING

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Hearing mailed October 18, 2002, a copy of which is attached, appellant hereby waives attendance at the oral hearing scheduled for December 12, 2002. Appellant waives attendance at the hearing because its position that the claims on appeal

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contain material narrowing limitations not present in cancelled claims, and that recapture is consequently avoided, is clear from the briefing.

Dated: November 5, 2002

Respectfully submitted,
COOPER & DUNHAM LLP



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OCT 18 2002



ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

11/13/02
Waiver
(11/13/02)
11/13/02

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BOARD OF PATENT APPEALS
AND INTERFERENCES
3766

Donald S. Dowden
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Appeal No:
Appellant:
Application No:
Hearing Room:
Hearing Docket:
Hearing Date:
Hearing Time:
Location:

Paper No: 39

2002-0393
Bird, David G.
08/862,039
A
B
Thursday, December 12, 2002
1:00 PM
Room 12C07 CRYSTAL GATEWAY 2 1225 Jefferson Davis Highway Arlington, VA 22202

NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 1.194(a).

The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.

This form must be completed below and filed with the Board of Patent Appeals and Interferences, preferably by facsimile within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this form may alternatively be filed by mail if facsimile is not available.

Failure to file this form within this time period will be construed as a waiver of the request for oral hearing.

37 CFR § 1.136(a) does not apply.

By order of the Board of Patent Appeals and Interferences

BPAI HEARINGS FAX No:

(703) 308-6199

See 1108 Off. Gaz. Pat. Trademark
Office 15 (Nov. 14, 1989)

Clerk of the Board (703)-308-9797

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- 5 -

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE:

HEARING ATTENDANCE CONFIRMED
 HEARING ATTENDANCE WAIVED

William E. Petton
Signature of Attorney/Agent/Appellant

November 5, 2002 25, 2002
Date Registration No.

COOPER & DUNHAM LLP

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DATE: November 5, 2002

RE: Appeal No.: 2002-0398 - Serial No. 08/862,039

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ADDITIONAL COMMENTS:

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